

and increase thereof, for and during the term of his natural life, and from and after his death, *in trust* for such person or persons, and for such uses and purposes as she, the said Antoinette, shall by her last will and testament, or by any instrument of writing in the nature of, or purporting to be, her last will and testament direct, limit or appoint, and in case of no such direction, limitation or appointment, then *in trust* for all and every the children or child which the said Antoinette may have by the said J. H. Williams, their heirs, executors, administrators and assigns for ever, to take *per stripes*, and not *per capita*. But in the event of the death, of the said Antoinette without leaving a child or children, or a descendant or descendants thereof, by the said J. H. Williams, living at the time of her decease, then *in trust* for such person or persons as would, by the now existing laws of the State of Maryland, be the heirs of the said Antoinette to take an estate in fee simple in lands by descent from her, and to, for or upon no other use, trust, intent or purpose whatsoever."

The other facts in the case are fully stated in the opinion of the Chancellor, delivered on the 16th of February, 1854.]

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#### THE CHANCELLOR :

The object of the bill in this case is to charge the separate estate of Mrs. Williams, formerly Miss McFadon, with the payment of a bill for household furniture, amounting to upwards of five hundred and fifty dollars, for which, as the complainants allege, the defendants, Williams and wife, gave orders, and which was delivered to them, and is now in their use and possession, promising to pay therefor out of the separate estate of the wife. And it is further charged, that a portion of her real estate being about to be sold, she and her said husband, on the 26th of May, 1845, gave an order to the attorney, who had been employed by her to effect the sale, to pay said bill.

The order is in the following terms : "Walter Farnandis, Esq., will please pay to Messrs. Tarr & Blass, the amount of their claim out of the first proceeds of the sale of the real estate belonging to us, to be made under the proceedings now in pro-